

CITY OF ATLANTA  
Department of Planning and Community Development  
Office of Planning  
55 Trinity Avenue, Suite 3350  
(404) 330-6145

## APPEAL APPLICATION CHECKLIST

- \_\_\_\_ 1. Complete **application** with notarized signatures.
- \_\_\_\_ 2. Include a **summary** of the events leading to the appeal, the reason for the appeal, and the date if the decision of the administrative official (City staff person) against which the appeal is made.
- \_\_\_\_ 3. Provide documentation of the exact location and boundaries of the subject property: **City Cadastral map, survey, or written legal description** in metes and bounds.
- \_\_\_\_ 4. Provide **documentation of the decision that is appealed**, e.g., building permit, approved plan or plat. Provide **documents that support appeal**, e.g. historic records, zoning regulations, affidavits. **Six folded copies** of all documents larger than 8 ½" x 11" must be submitted to ensure distribution to BZA members.
- \_\_\_\_ 5. If an attorney represents the appeal, complete the attached **Authorization of Attorney**.
- \_\_\_\_ 6. **File application** with Office of Planning.
- \_\_\_\_ 7. Pay **fee** of \$250.00. Make check payable to "City of Atlanta". Application will not be accepted without the fee.
- \_\_\_\_ 8. Upon filing the appeal, City staff will provide you with a **Notice to the Applicant** which will document the Board of Zoning Adjustment (BZA) hearing date. Appeal applications are sent to the NPU for information only.
- \_\_\_\_ 9. Obtain a public notice sign and post it at least 15 days prior to the hearing if appealing a decision for property owned by appellant. If appealing a decision for property not owned by the appellant the Office of Planning will post the sign.
- \_\_\_\_ 10. Attend Board of Zoning Adjustment (BZA) **public hearing** on the scheduled date.

NOTE: APPELLANT IS NOT REQUIRED TO USE THE FORM PROVIDED BY THE CITY. HOWEVER, IF THE FORM IS NOT USED, SIMILAR INFORMATION SHOULD BE SUBMITTED AS YOUR APPLICATION.

**APPEALS ARE ACCEPTED DURING NORMAL BUSINESS HOURS  
MONDAY-THURSDAY FROM 8:30 AM – 5:00 PM**

**APPLICATION FOR APPEAL OF DECISION OF  
ADMINISTRATIVE OFFICER  
City of Atlanta**

Date Filed \_\_\_\_\_ Application Number \_\_\_\_\_

Name of Applicant \_\_\_\_\_ Daytime Phone \_\_\_\_\_

Company Name \_\_\_\_\_ e-mail \_\_\_\_\_

Address \_\_\_\_\_  
street city state zip code

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Name of Property Owner \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
street city state zip code

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**Description of Property**

Address of Property \_\_\_\_\_ **OR**

the subject property fronts \_\_\_\_\_ feet on the \_\_\_\_\_ side of \_\_\_\_\_  
\_\_\_\_\_ beginning \_\_\_\_\_ feet from the  
\_\_\_\_\_ corner of \_\_\_\_\_.

Depth: \_\_\_\_ Area: \_\_\_\_ Land Lot: \_\_\_\_ District: \_\_\_\_, \_\_\_\_\_ County, GA.

Property is zoned: \_\_\_\_, Council District: \_\_\_\_, Neighborhood Planning Unit: \_\_\_\_

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I hereby authorize the staff of the Office of Planning to inspect the premises of the  
above-described property. I swear that all statements herein and attached hereto are  
true and correct to the best of my knowledge and belief.

Sworn To And Subscribed Before  
Me This Day Of \_\_\_\_, 200\_\_.

\_\_\_\_\_  
OWNER OR AGENT FOR OWNER (APPLICANT)

\_\_\_\_\_  
APPLICANT'S NAME IN PRINTED LETTERS

\_\_\_\_\_  
NOTARY PUBLIC

Your appeal should be typewritten and all signatures on the application must be notarized.

**Application.** Appeals are heard and decided at a regularly-scheduled public hearing by the five-member City of Atlanta Board of Zoning Adjustment (“BZA”). The Office of Planning serves as staff to the BZA. All inquiries regarding your application should be directed to this office at (404) 330-6145. The rules of the BZA prevent BZA members from discussing the merits of any case except during the public hearing for that case.

**Schedule.** There are two closing dates and two public hearings per month. The schedule allows time for regular monthly NPU meetings to occur throughout the City prior to each public hearing. Appeals are sent to the applicable NPU for information purposes, and your appearance at the NPU is a courtesy. When you file your application, you will be notified of the NPU contact person so that you may contact him or her if you wish to appear at the meeting. The schedule of closing and public hearing dates is attached.

**Fee.** For appeals of a decision of a City staff person, the application fee is \$250.00, without regard to the zoning district in which the subject property is located. **Deferral Fee.** Applicants/appellants requesting a deferral from a scheduled appearance before the BZA are required to pay a deferral fee which includes the cost incurred for public notice (postage fees, postcards and newspaper advertisement). The Secretary of the BZA will provide the cost which must be paid no less than 3 business days after the deferral request has been granted by the Board.

**Public Notice.** When you file your application, it will be scheduled for a public hearing. The Office of Planning will initiate posting of public notice (“an advertisement”, “a legal ad”) for this public hearing so that the public is informed at least 15 days before the date of the public hearing by sending written notice of your application to all property owners whose property is within 300 feet of the subject property, by causing public notice to be placed in the newspaper, and by posting a sign on the subject property.

If appealing a decision for your property you will be responsible for obtaining a public notice sign when you file your application with the Office of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. If appealing a decision as a non-property owner the Office of Planning will post the public notice sign to the property subject property. Failure to properly post the sign will make it necessary for the BZA to defer your case to another public hearing. The BZA may defer the case to a hearing that has been scheduled 30 or more days after the original hearing.

**Refunds for Withdrawn Cases.** Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

**Public Hearing Presentation.** Each appellant or representative of the appellant must appear and present the case before the BZA at the scheduled public hearing, or request a deferral in writing prior to the public hearing. The party representing the appeal is allowed a total of ten minutes to present the application. A portion of this time may be saved for rebuttal to any objections to the variance. You may choose to bring copies of documents or exhibits such as enlarged plans; this is not required but is purely at your discretion. Any exhibits that are filed with the City at the hearing should be capable of being stored in the 11” x 17” City file, so please do not permanently affix exhibits to a stiff backing.

**BZA Decision.** The BZA shall sustain (approve) an appeal upon finding that the appealed decision was based on an error in material fact or that the administrative officer (staff person) who made the decision acted in an arbitrary or capricious manner. The BZA may reverse or affirm, wholly or partly, or may modify the appealed decision. To that end, the BZA has all the authority of the staff person whose decision is appealed, and may issue or direct the issuance of a permit, provided that all requirements imposed by the applicable laws are met. The City Council does not make decisions regarding appeals that come before the BZA. The staff of Office of Planning does not make a recommendation to the BZA on appeal applications.

## **AUTHORIZATION OF ATTORNEY**

(Required only if the appellant is represented by an attorney.)

\_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY

STATE

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
DAYTIME TELEPHONE NUMBER

I SWEAR, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN AUTHORIZED  
BY THE SUBJECT PROPERTY OWNER TO FILE THE ATTACHED APPLICATION.

\_\_\_\_\_  
SIGNATURE OF ATTORNEY

## **PUBLIC NOTICE SIGN POSTING**

**Please select one of the following:**

- ☐ As owner of the property subject to the appeal I understand that I must post the public notice sign, provided by the Office of Planning, no later than 15 days prior to the scheduled BZA hearing date.
  
- ☐ As non-owner of the property subject to the appeal I understand that the Office of Planning will post the public notice sign to the subject property no later than 15 days prior to the scheduled BZA hearing date.

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SIGNATURE OF APPELLANT

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APPELLANT'S NAME IN PRINTED LETTERS



**City of Atlanta  
Board of Zoning Adjustment (BZA)  
2011 Public Hearing Schedule**

<b>Application Period*</b>	<b>Public Hearing Date</b>
October 21 – November 10, 2010	January 6, 2011
November 11 – November 17, 2010	January 13, 2011
November 18 – December 8, 2010	February 3, 2011
December 9 – December 22, 2010	February 10, 2011
December 23, 2010 – January 5, 2011	March 3, 2011
January 6 – January 19, 2011	March 10, 2011
January 20 – February 9, 2011	April 7, 2011
February 10 – February 23, 2011	April 14, 2011
February 24 – March 9, 2011	May 5, 2011
March 10 – March 23, 2011	May 12, 2011
March 24 – April 6, 2011	June 2, 2011
April 7 – April 20, 2011	June 9, 2011
April 21 – May 11, 2011	July 7, 2011
May 12 – May 25, 2011	July 14, 2011
May 26 – June 8, 2011	August 4, 2011
June 9 – June 22, 2011	August 11, 2011
June 23 – July 6, 2011	September 1, 2011
July 7 – July 20, 2011	September 8, 2011
July 21 – August 10, 2011	October 6, 2011
August 11 – August 24, 2011	October 13, 2011
August 25 – September 7, 2011	November 3, 2011
September 8 – September 21, 2011	November 10, 2011
September 22 – October 5, 2011	December 1, 2011
October 6 – October 19, 2011	December 8, 2011

**\*Applications for Variances and Special Exceptions are accepted up until 2:00 pm.**

**\*Applications for Appeals will be accepted during regular business hours  
Monday – Friday from 8:15 am – 5:00 pm.**

**Brandy N. Crawford, Urban Planner Principal  
Secretary to the Board of Zoning Adjustment**